

REMARKS/ARGUMENTS

The Examiner rejected claims 1-4, 6-16, 19-39, 54-55, 57-57, 60-69 as being anticipated by Graves, U.S. Patent Number 5,410,344.

Graves is related to a system for selecting audiovisual programs for presentation to a viewer. The programs have attributes and a corresponding content code including information pertaining to the attributes. The system includes a viewer preference file that is stored and a plurality of content codes, where the preference file and content codes are compared to select programs for presentation to the viewer. In particular, the preferences include a scale from 1 through 10 to indicate the desirability of particular channels (see Figure 6) and ratings (see Figure 5). The preferences also include a "no interest" indication (see Figures 5 and 6). A neural network uses the differences in the 1 through 10 preferences to rate each of the programs (see Figure 4). Hence, the preferences of 1 through 10 provided to the neural network increase the desirability of the program to a different degree or set to 'no interest'.

Claim 1 patentably distinguishes over the prior art by claiming the desirability is increased based upon the first option, the desirability is decreased based upon the second option, and the desirability remains the same based upon the third option.

In contract, Graves fails to disclose the neural network decreasing the desirability based upon the second option.

Claims 2-9 depend from claim 1, and are patentable for the same reasons asserted for claim 1.

Graves discloses a system that includes a set of features, such as overall feature, story appeal, action level, actor 1, actor 5, dialog, music, suspense level, violence level, and romance level (see Figure 5). Each of these features is individually selectable and independent of the other features. Graves also discloses a channel selection feature with

different programs illustrated that include Jurassic Park, Gone With The Wind, Designing Women, etc (see Figure 6). Similarly, each of these features is individually selectable and independent of the other features. Graves discloses that the desirable programs are selected using a hierarchical analytic decision-making process (see Figures 4 and 8, and column 6, lines 5-17). It is noted that the hierarchical nature of Graves is only included within the decision-making process (i.e., neural network).

Claim 10 has been amended to more clearly patentably distinguish over Graves by claiming the user attribute information includes a plurality of preferences, the first program includes a plurality of program attribute information, and the second program includes a plurality of program attribute information, where the user preferences or attribute information themselves include data that is arranged in at least two different hierarchical levels.

In all cases, the user preferences and program attribute information are all non-hierarchical in organization. Rather, the selection process uses a hierarchical analytic decision-making process. There is no suggestion that the data itself is hierarchical in structure, as claimed.

Claims 11 and 13-15 depend from claim 10, and are patentable for the same reasons asserted for claim 10.

Claim 17 has been amended to patentably distinguish over Graves by claiming that the user attribute information includes a plurality of hierarchical levels so that data at a third level is included with data at a second level which is included with data at a first level.

As previously noted, Graves fails to teach that the user attribute information itself includes hierarchical levels. Nor does Graves teach the need nor a mechanism for using such hierarchical levels.

Claim 18 depends from claim 17, and is patentable for the same reasons asserted for claim 17.

Claim 19 has been amended to patentably distinguish over Graves by claiming that the user attribute information includes a plurality of hierarchical levels so that data at a third level is included with data at a second level which is included with data at a first level.

Claims 20-24 depend from claim 19, and are patentable for the same reasons asserted for claim 19.

As previously noted, Graves fails to teach that the program attribute information itself includes hierarchical levels. Nor does Graves teach the need nor a mechanism for using such hierarchical levels.

Claim 25 has been amended to patentably distinguish over Graves by claiming that the program attribute information includes a plurality of hierarchical levels so that data at a second level is included with data at a first level.

Claims 26-28 depend from claim 25, and are patentable for the same reasons asserted for claim 25.

As previously noted, Graves fails to teach that the user preferences themselves include hierarchical levels. Nor does Graves teach the need nor a mechanism for using such hierarchical levels.

Claims 29 and 33 have been amended to patentably distinguish over Graves by claiming that the user attribute information includes a plurality of hierarchical levels so that data at a second level is included with data at a first level.

Claims 26-28 depend from claim 25, and are patentable for the same reasons asserted for claim 25.

As previously noted, Graves fails to teach that the user attribute information itself includes hierarchical levels. Nor does Graves teach the need nor a mechanism for using such hierarchical levels.

Claim 29 has been amended to patentably distinguish over Graves by claiming that the user attribute information includes a plurality of hierarchical levels so that data at a third level is included with data at a second level which is included with data at a first level.

Claims 30-32 and 34-38 depend from claims 29 and 33, and are patentable for the same reasons asserted for claims 29 and 33.

As previously noted, Graves fails to teach that the user attribute information itself includes hierarchical levels. Nor does Graves teach the need nor a mechanism for using such hierarchical levels.

Claim 39 has been amended to patentably distinguish over Graves by claiming that the user attribute information includes a plurality of hierarchical levels so that data at a third level is included with data at a second level which is included with data at a first level.

Claims 40-49 depend from claim 39, and are patentable for the same reasons asserted for claim 39.

As previously noted, Graves fail to teach lowering of the ranking based upon a negative preference.

Claim 50 has been amended to patentably distinguish over Graves by claiming that the negative preference result in decreasing the ranking to a lower level than would have resulted had the negative preference not been included.

In contrast, Graves teach a summation technique where the inclusion of a preference value, whether small or large, results in an increase in the total.

Claims 51-53 depend from claim 50, and are patentable for the same reasons asserted for claim 50.

As previously noted, Graves fails to teach that the user attribute information itself includes hierarchical levels. Nor does Graves teach the need nor a mechanism for using such hierarchical levels.

Claim 57 has been amended to patentably distinguish over Graves by claiming that the user attribute information includes a plurality of hierarchical levels so that data at a third level is included with data at a second level which is included with data at a first level.

Claim 59 depends from claim 57, and is patentable for the same reasons asserted for claim 57.

As previously noted, Graves fails to teach that the user attribute information itself includes hierarchical levels. Nor does Graves teach the need nor a mechanism for using such hierarchical levels.

Claim 60 has been amended to patentably distinguish over Graves by claiming that the user attribute information includes a plurality of hierarchical levels so that data at a second level which is included with data at a first level.

Claims 61-64 depend from claim 60, and are patentable for the same reasons asserted for claim 60.

As previously noted, Graves fails to teach that the user attribute information itself includes hierarchical levels. Nor does Graves teach the need nor a mechanism for using such hierarchical levels.

Claim 65 has been amended to patentably distinguish over Graves by claiming that the user attribute information includes a plurality of hierarchical levels so that data at a third level is included with data at a second level which is included with data at a first level.

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Claims 66-69 depend from claim 65, and are patentable for the same reasons asserted for claim 65.

As previously noted, Graves fails to teach that the user attribute information itself includes hierarchical levels. Nor does Graves teach the need nor a mechanism for using such hierarchical levels.

This Amendment is being submitted with a Petition for Extension of Time, together with the requisite fee. The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, to Deposit Account No. 03-1550.

Respectfully submitted,

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